

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LOUIS BRUCE</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No.: 1:09-cv-04837</b>
<b>v.</b>	)	
	)	<b>Judge Robert M. Dow, Jr.</b>
<b>CITY OF CHICAGO, VINCENT</b>	)	
<b>VOGT, JOSEPH FOLEY AND</b>	)	<b>Magistrate Judge Susan E. Cox</b>
<b>MARK WESSELHOFF</b>	)	
	)	
<b>Defendants.</b>	)	

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**DEFENDANTS' MOTION TO DIRECT AND ALLOW THE EVIDENCE AND  
RECOVERED PROPERTY SECTION OF THE CHICAGO POLICE DEPARTMENT  
TO BRING EVIDENCE TO THE COURTROOM FOR PRESENTATION AT TRIAL**

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Defendants, City of Chicago (“City”), Chicago Police Officers Vincent Vogt (“Vogt”), Joseph Foley (“Foley”) and Mark Wesselhoff (“Wesselhoff”),, by their attorneys, Grant Schumann, LLC, through Special Assistant Corporation Counsel, Anthony L. Schumann, respectfully move this Honorable Court to direct and allow the Evidence and Recovered Property Section of the Chicago Police Department to bring evidence to the courtroom for presentation at trial. In support Defendants state as follows:

1. The above stated matter is currently set for jury trial on April 11, 2011 at 9:00 a.m. A pretrial conference is currently set for March 9, 2011 at 10:30 a.m.
2. In the Final Pretrial Order, Defendants have listed as trial exhibits sixteen (16) small baggies containing a white powder substance, suspect heroin and City of Chicago Police Department – Inventory No.: 11398816.

3. In the Final Pretrial Order, Plaintiff objects to the introduction of the above listed exhibits and has referred the Court to Plaintiff's Motion in Limine. However, none of Plaintiff's Motions in Limine filed with the Court specifically address Plaintiff's objections.

4. Defendants will present testimony at trial that on August 16, 2008 Plaintiff Bruce was observed approaching two individuals. The two individuals handed Bruce money and Bruce bent down to his sock and removed a small packet. Bruce then appeared to remove a smaller object from the packet and handed to the individuals an unknown object. Defendants will further testify that it was their belief that a drug transaction had occurred and went to approach the two individuals and Bruce. Bruce walked away and as Officer Vogt approached him from behind, Bruce looked over his shoulder in the officers direction and quickly threw a small packet to his right hand side. Officer Foley immediately recovered the packet and found it to contain sixteen (16) small ziploc bags containing a white powder substance, suspect heroin.

5. The above stated exhibits are the evidence recovered by Officer Foley and the Property Inventory Report generated for its storage at the Evidence and Recovery Property Section ("ERPS") of the Chicago Police Department.

6. The recovered heroin, inventoried as evidence, is relevant pursuant to FRE 401 and 402.

7. Counsel for Defendants has communicated with supervisors at ERPS and has been advised that a Court Order is required for a Chicago Police Officer to bring the inventoried evidence to Court for its presentation as an exhibit during the trial.

WHEREFORE, Defendants respectfully requests that this Honorable Court enter an Order that will direct and allow the Evidence and Recovered Property Section of the Chicago Police Department to bring evidence to the courtroom for presentation at trial.

Dated: March 8, 2011

Respectfully submitted,

By: *s:/ Anthony L. Schumann*  
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